

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

In re:

JAMES DAVID MCKATHAN,
KAYLYNN HAYMAN MCKATHAN,

Debtors.

Case 3:13-bk-00293-PMG
Chapter 12

**RESPONSE IN OPPOSITION
TO FANNIE MAE'S MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

Debtors, James David Mckathan and Kaylynn Hayman Mckathan, submit this pleading in response and in opposition to Fannie Mae's Motion for Relief from the Automatic Stay [Doc.#148].

1. The default in making escrow payments by Debtors was not intentional or in defiance of any Court order.

2. The confirmed plan, confirmation order, and, orders entered after confirmation with respect to the treatment and payment of claims is very complex. Unfortunately, Debtors believed that taxes and insurance were being escrowed and paid to Fannie Mae. They admit receiving correspondence from Fannie Mae and that they have not made direct payments on taxes and insurance to Fannie Mae. There are multiple mortgages on multiple parcels of real property owned by the Debtors. When Debtors received correspondence they contacted who they thought the correspondence was from and not Fannie Mae. The mortgagee who was contacted did escrow taxes and insurance and advised that those payments were coming from the Trustee as a disbursement under the confirmed plan.

3. Debtors request that they be permitted to pay the amount of past due escrow

payments over a period of time. If requested, Debtors are amenable to modifying the plan to provide for escrow disbursements being made by the Trustee.

4. Debtors request that Fannie Mae provide an accounting of the past due amounts owing to it.

CERTIFICATE OF SERVICE

Date of Service: July 26, 2018

I certify that on the date of service, indicated above, this pleading was served, by first class mail postage prepaid, at the addresses listed below, on any of those listed below who are non-CM/ECF users: Office of the United States Trustee George C Young Federal Building, 400 West Washington Street, Suite 1100, Orlando, FL 32801; Chapter 12 Standing Trustee, Douglas W. Neway, P.O. Box 4308, Jacksonville, FL 32201; and, Kahane & Associates P.A., as counsel for Fannie Mae, at 8201 Peters Road, Suite 3000, Plantation, FL 33324.

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